

AN ORDINANCE 2006-05-18-0615

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, SECTION 35-304, OF THE CITY
CODE OF SAN ANTONIO, TEXAS BY CHANGING THE
ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 21.42 acres out of NCB 17873 from "C-3" General Commercial District and "R-6" Residential Single-Family District to "MF-25" Multi-Family District.

SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective on May 28, 2006.

PASSED AND APPROVED this 18th day of May, 2006.

ATTEST:


City Clerk


M A Y O R
PHIL HARBERGER

APPROVED AS TO FORM:


For City Attorney

Agenda Voting Results

Name: Z-7.

Date: 05/18/06

Time: 06:24:44 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2006096 (District 6): An Ordinance amending the zoning district boundary from "C-3" General Commercial District and "R-6" Residential Single-Family District to "MF-25" Multi-Family District on 21.42 acres out of NCB 17873, 8777 Marbach Road as requested by Bexar Odyssey Investments, LLC, Applicant, for Bexar Odyssey Investments, LLC, Owner(s). Staff and Zoning Commission recommend Approval.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10	Not present			
MAYOR PHIL HARDBERGER	MAYOR	Not present			



MACINA • BOSE • COPELAND and ASSOCIATES, INC
CONSULTING ENGINEERS AND LANDSURVEYORS

1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-1122 FAX (210) 545-9302
www.mbcengineers.com

METES AND BOUNDS
DESCRIPTION OF

A 21.42 ACRE (932,903 SQUARE FEET) TRACT OF LAND BEING OUT OF THAT CALLED 28.272 ACRE TRACT OF LAND AS RECORDED IN VOLUME 11801, PAGE 1053 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS SITUATED IN THE R.E. SEVY SURVEY NO. 357, ABSTRACT NO. 709, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN A CLOCKWISE MANNER AS FOLLOWS:

COMMENCING: At a found $\frac{1}{2}$ " iron rod in the north right-of-way line of Marbach Road (a 110 foot public right-of-way) (Plat Reference: Volume 9520, Page 13), said iron rod also marks the west end of a 6 foot drainage easement as recorded in Volume 9503, Page 192, Deed and Plat Records of Bexar County, Texas;

THENCE: S $89^{\circ}56'39''$ E, 152.49 feet along and with the north right-of-way line of said Marbach to a point at the southeast corner of a 16' sanitary sewer easement as recorded in Volume 9507, Page 98, Deed and Plat Records of Bexar County, Texas and **POINT OF BEGINNING** of this tract;

THENCE: The following courses and distances are along and with the east side of said 16' sanitary sewer easement

N $15^{\circ}40'51''$ W, 190.77 feet to a point;

N $24^{\circ}26'15''$ E, 22.94 feet to a point;

N $64^{\circ}33'21''$ E, 385.81 feet to a point;

N $27^{\circ}56'39''$ W, 318.18 feet to a point;

N $00^{\circ}03'21''$ E, 100.41 feet to a point in the south right-of-way line of Garden Brook (a 60 foot public right-of-way) (Plat Reference: Volume 9525, Page 28) and northwest corner of this tract;

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ROBERT A. COPELAND, P.E. (inactive)

SAMUEL B. BLEDSOE, III, P.E. • DAVID L. ALLEN, P.E.

EXHIBIT A

To Ordinance No. _____
Passed on May 18, 2006

THENCE: N 67°27'39" E, 320.53 feet, along and with the south right-of-way line of said Garden Brook to a found ½" iron rod and cap "Vickery" at the point of curvature of a curve to the right;

THENCE: 225.09 feet, along and with south right-of-way line of said Garden Brook having a radius of 570.00 feet, a central angle of 22°37'33", a chord bearing and distance of N 78°44'57" E, 223.63 feet to a found ½" iron rod and cap "Vickery" at the point of tangency of the herein described curve;

THENCE: S 89°55'00" E, 501.80 feet, along and with the south right-of-way line of said Garden Brook to a found ½" iron rod and cap "Vickery" at the northeast end of curve return to Cable Ranch Road (public right-of-way varies) (Plat Reference: Volume 9503, Page 186);

THENCE: 23.74 feet, along and with said curve to the right having a radius of 15.00 feet, a central angle of 90°40'48", a chord bearing and distance of S 44°46'15" E, 21.34 feet to a found ½" iron rod and cap "Vickery" at the point of tangency in the west right-of-way line of said Cable Ranch Road;

THENCE: S 00°19'33" W, 879.68 feet, along and with the west right-of-way line of said Cable Ranch Road to a found ½" iron rod and cap "Vickery" at the north end of curve return to said Marbach Road;

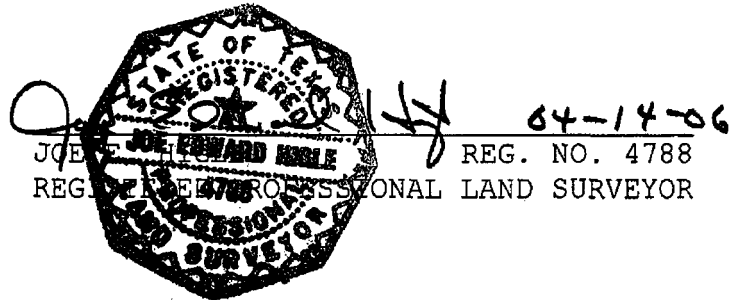
THENCE: 39.26 feet, along and with said curve to the right having a radius of 25.00 feet, a central angle of 89°58'38", a chord bearing and distance of S 45°20'00" W, 35.35 feet to a found ½" iron rod and cap "Vickery" at point of tangency in the northwest right-of-way line of said Marbach Road;

Z2006096

THENCE: N 89°40'26" W, 204.92 feet, along and with the north right-of-way line of said Marbach Road to a found ½" iron rod and cap "Vickery";

THENCE: N 89°56'39" W, 954.47 feet, along and with the north line of said Marbach Road to the **POINT OF BEGINNING** of this tract.

I, Joe E. Higle, Registered Professional Land Surveyor do hereby affirm that this description is based on the results of a survey made on the ground by the firm of Macina, Bose, Copeland and Associates, Inc., of which a survey map has been prepared.



#29412-0770
April 14, 2006
JEH/BCG/lk

CASE NO: Z2006096

Staff and Zoning Commission Recommendation - City Council

Date: May 18, 2006

Zoning Commission Meeting Date: April 18, 2006

Council District: 6

Ferguson Map: 613 B-6

Applicant:

Owner:

Bexar Odyssey Investments, LLC

Bexar Odyssey Investments, LLC

Zoning Request:

From "C-3" General Commercial District and "R-6" Residential Single-Family District to "MF-25" Multi-Family District

21.42 acres out of NCB 17873

Property Location:

8777 Marbach Road

Northside of Marbach Road between Cable Ranch Road and Hunt Lane

Proposal:

Multi-family complex

Neighborhood Association

Rainbow Hills Neighborhood Association is within 200 feet

Neighborhood Plan:

None

Traffic Impact Analysis

A Traffic Impact Analysis is not required. One may be required at the plat/building permit stage.

Staff Recommendation:

Approval

The subject property is currently undeveloped and located along Marbach Road a major thoroughfare. The subject property is adjacent to "C-3" General Commercial District to the south west. The property to the north is zone "MF-33" Multi-Family District (multi-family dwellings). The purpose of the rezoning is to develop a multi-family community on the subject property. The "MF-25" Multi-Family District is a down-zoning and would be appropriate at this location.

Multi-family residence limited density "MF-25" district is the designation for a multi-family use with a maximum density of up to 25 units per acre, depending on unit size. An "MF-25" district designation may be applied to a use in a residential neighborhood that contains a mixture of single family and multi-family uses or in an area for which limited density multi-family use is desired. An "MF-25" district designation may be applied in a centrally located area near supporting transportation and commercial facilities,

The subject property was originally zoned Temporary "R-1" Single-Family Residence District and was zoned "B-3" Business District in 1986. The Temporary "R-1" Single-Family Residence District and "B-3" Business District later converted to "R-6" Residential Single-Family District and "C-3" General Commercial District in February of 2002 upon adoption of the current UDC.

Zoning Commission Recommendation:

Approval

CASE MANAGER : Pedro Vega 207-7980

VOTE

FOR	10
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2006096

ZONING CASE NO. Z2006096 – April 18, 2006

Applicant: Bexar Odyssey Investments, LLC

Zoning Request: "C-3" General Commercial District and "R-6" Residential Single Family District to "MF-25" Multi Family District.

Andy Guerrero, 3134 Renker, representing the owner, stated this request would be a down zoning. He stated he would like to amend his request to 21.42 acres. He further stated they are proposing a 480-unit apartment complex on the subject property.

Staff stated there were 27 notices mailed out to the surrounding property owners, 1 returned in opposition and 3 returned in favor and no response from Rainbow Hills Neighborhood Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Martinez and seconded by Commissioner Gadberry to recommend approval.

1. Property is located on Parcel P-1, NCB 17873 at 8777 Marbach Road.
2. There were 27 notices mailed, 1 returned in opposition and 3 in favor.
3. Staff recommends approval.

AYES: Avila, Robbins, Rodriguez, Gadberry, Marshall, Sherrill, Wright, Martinez, Stribling, Gray

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

